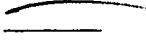
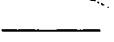


## ROUTING FOR DECISIONS OF BOARD OF APPEALS

	Initials	Date
Director's Secretary		2/7/02
Director		2/7/02
QAS	<u>Tlm.</u>	2/6/02
SPE		
Examiner		

Disposal Recorded by Applications Examiner \_\_\_\_\_

Date of Decision	Serial Number	Examiner	Art Unit	Affirmed	Reversed
1/28/02	091025,345	Milam	3641	<input type="checkbox"/> 101	<input type="checkbox"/> 101
				<input type="checkbox"/> 102	<input type="checkbox"/> 102
				<input type="checkbox"/> 103	<input type="checkbox"/> 103
				<input type="checkbox"/> 112	<input type="checkbox"/> 112
				<input type="checkbox"/> other	<input type="checkbox"/> other

Comments: Remand - Clarification needed concerning IDSs  
and the After Final Amendment.

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 31

UNITED STATES PATENT AND TRADEMARK OFFICE

**MAILED**

JAN 28 2002

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JERALD C. HINSHAW,  
DANIEL W. DOLL, REED J. BLAU and GARY K. LUND

Appeal No. 2002-0304  
Application 09/025,345

ORDER REMANDING TO EXAMINER

An examination of the file reveals that Information Disclosure Statements (IDS) were filed on February 18, 1998 (Paper No. 4), April 7, 1998 (No paper number given) and April 10, 1998 (No paper number given). It is not apparent from the record whether the examiner considered these statements submitted or notified appellants of why their submissions did not

Appeal No. 2002-0304  
Application 09/025,345

meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

In addition, an amendment after final was filed by appellants on March 7, 2001 (Paper No. 22). The Advisory Action mailed March 19, 2001 (Paper No. 26) indicated that such amendment would be entered upon filing an appeal. Both the Appeal Brief filed April 6, 2001 (Paper No. 27) and the Examiner's Answer mailed August 14, 2001 (Paper No. 28) indicate that this amendment has been entered. A review of the record indicates the amendment was not entered.

Accordingly, it is

ORDERED that the application is remanded to the Examiner:

1. for consideration of the IDS filed February 18, 1998 (Paper No. 4) and appropriate notification to appellants regarding the Examiner's decision;

2. for consideration of the IDSS filed April 7, 1998 and April 10, 1998, including physical entry of these IDSSs onto the Contents page of the application file, and appropriate notification to appellants regarding the Examiner's decision;

Appeal No. 2002-0304  
Application 09/025,345

3. for entry of the amendment filed March 7, 2001  
(Paper No. 22) into the record and notification to appellants  
regarding the action taken; and

4. for such further action as may be appropriate.

It is important that the Board of Patent Appeals and  
Interferences be informed promptly of any action affecting  
the status of the appeal (i.e., abandonment, issue, reopening  
prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

CRAIG FEINBERG  
Program and Resource Administrator  
(703) 308-9797

CF:psb

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